

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

DEBORAH MOORE, Individually)	
and on Behalf of)	
IRA PERRY JUNIOR, and as)	
Next Friend of SHIRLEY PERRY,)	
)	No. 06-2013 SHM-dkv
Plaintiff.)	
)	
QUINCE NURSING AND)	
REHABILITATION CENTER,)	
QUINCE NURSING AND)	
REHABILITATION CENTER, LLC,)	
and BAPTIST MEMORIAL HOSPITAL,)	
)	
Defendants.)	

ORDER GRANTING JOINT MOTION TO REMAND

Before the Court is the joint motion to remand filed by Plaintiff Deborah Moore, Individually and on Behalf of Ira Perry Junior, and as Next Friend of Shirley Perry ("Moore"), and Defendants Quince Nursing and Rehabilitation Center and Quince Nursing and Rehabilitation Center, LLC's (together "Defendants") on January 31, 2006. On December 2, 2005, Moore, a resident of Missouri, filed a complaint against the Defendants in the Circuit Court of Shelby County, Tennessee for the Thirtieth Judicial District at Memphis. On January 5, 2006, Defendants filed a notice of removal to federal court. In the notice of removal, Defendants asserted federal jurisdiction under 28 U.S.C. § 1332(a)(1) because Moore and the Defendants are citizens of different states and the

amount in controversy exceeds \$75,000.00.

The parties recognize, however, that pursuant to 28 U.S.C. § 1441(b), an action "shall be removable only if none of ...the defendants is a citizen of the State in which such action is brought." Because this action was filed originally in Tennessee state court and all of the Defendants are citizens of Tennessee, removal is improper. Therefore, the court GRANTS the parties' joint motion to remand, and pursuant to 28 U.S.C. § 1447(c), this action is remanded to state court.

So ORDERED this 2nd day of February 2006.

s/ SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE